

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
DOCKET NO. 5:17-cv-00195-MOC-DCK

KIM MCCONNELL
JAMES EDWARD MCCONNELL,

Plaintiffs,

Vs.

WATAUGA COUNTY SHERIFF'S
DEPARTMENT
WATAUGA COUNTY
DEPARTMENT OF SOCIAL SERVICES
WATAUGA COUNTY
THOMAS HUGHES
JASKA H. ROMINGER
JENNIFER SMITH
WESTERN SURETY COMPANY
JESSICA WINEBARGER
CHAD SLAGLE
LEN D. HAGAMAN,

Defendants.

ORDER

THIS MATTER is before the Court on plaintiffs' Motion for Extension of Time to Respond to Defendants' Motion for Summary Judgment and for Relief Under Fed.R.Civ.P. Rules 56(d) and (f). There are a number of moving parts in what should be a relatively straight forward motion, not the least of which is that the time for filing a response to this motion will not expire before the time for filing a response to the Motion for Summary Judgment passes. Even though the Court does not have the benefit of defendants' position, the Court finds it appropriate as a procedural matter to stay plaintiffs' Response deadline pending Judge Keesler's resolution of the Motion to Compel Discovery (#43), which is also not ripe for review.

In addition, the Court will refer the issue of resetting the plaintiffs' deadline for a response to the Motion for Summary Judgment to Judge Keesler as his resolution of the discovery issue will be critical in the timing of plaintiffs' response. The Court anticipates that such request for an extension will be resolved by Judge Keesler in his resolution of the discovery issue.

As to the joined dispositive motions under Rule 56(d) & (f), the combining of dispositive and non-dispositive motions in one pleading makes it difficult to track motions in ECF and in chambers. These dispositive requests, while not yet fully briefed, are largely dependent on the outcome of the discovery issue. The Court will, therefore, deny those motions for relief without prejudice as to plaintiffs filing a separate motion at the time they file their Response to the now pending Motion for Summary Judgment.

ORDER

IT IS, THEREFORE, ORDERED that:

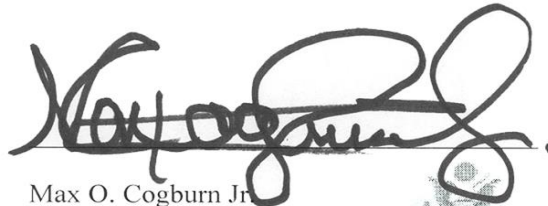
(1) plaintiffs' Motion for Extension of Time to Respond to Defendants' Motion for Summary Judgment is **DEFERRED** for consideration by Judge Keesler alongside the Motion to Compel (#43);

(2) the plaintiffs' obligation of filing a Response to the Motion for Summary judgment (#47) is **STAYED** pending Judge Keesler's resolution of the Motion to Compel and Motion for Extension of Time; and

(3) the plaintiffs' Motion for Relief Under Fed.R.Civ.P. Rules 56(d) and (f) is **DENIED** without prejudice as to reasserting such as a motion, separate and apart from the

Response to the Motion for Summary Judgment, if such is still needed when the Response becomes due.

Signed: February 6, 2019



Max O. Cogburn Jr.
United States District Judge

